

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

PATRICK TORBERT, )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 3:07-CV-530-MEF  
OPELIKA POLICE DEPT., et al., )  
Defendants. )

## ORDER

In his complaint, the plaintiff names Lt. Clark as a defendant. Service was attempted but unperfected on Lt. Clark at the address provided by the plaintiff. If a person has not been served, he is not a party to this lawsuit except in very unusual circumstances. Consequently, in order to maintain litigation against Lt. Clark, the plaintiff must furnish the clerk's office with a correct address and full name for this individual. Accordingly, it is

ORDERED that on or before July 12, 2007 the plaintiff shall furnish the clerk's office with the correct address and full name of Lt. Clark. **The plaintiff is advised that the court will not continue to monitor this case to ensure that the defendant he wishes to sue have been served.** This is the plaintiff's responsibility. Moreover, the plaintiff is specifically cautioned that if service is not perfected on Lt. Clark he will not be considered a party to this cause of action, the court will on its own initiative dismiss the claims against Lt. Clark and this case will be dismissed as service will not have been perfected on the

defendant. *See Rule 4(m), Federal Rules of Civil Procedure.*

Done this 22<sup>nd</sup> day of June, 2007.

/s/ Terry F. Moorer

TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE